

AMENDED IN ASSEMBLY MAY 3, 2005

AMENDED IN ASSEMBLY APRIL 19, 2005

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1384

Introduced by Assembly Member Laird
(Coauthors: Assembly Members Berg and Salinas)
(Coauthors: Senators Chesbro and Maldonado)

February 22, 2005

An act to add Section 97 to, and to amend Section 97.1 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1384, as amended, Laird. Safety enhancement double-fine zones.

Under existing law, until January 1, 2006, the segment of State Highway Route 101 between the Eureka Slough Bridge and the Gannon Slough Bridge in Arcata is designated a safety enhancement-double fine zone. Existing law, until January 1, 2006, requires the Department of Transportation to adopt regulations for the administration of safety enhancement double-fine zones, including uniform warning sign standards, and requires the department or a local authority having jurisdiction over the highway designated as a safety enhancement-double fine zone to place and maintain the warning signs.

This bill would, until January 1, 2010, designate specified segments of State Highway Routes 1 and 101 and County Road 16 as Safety

Enhancement-Double Fine Zones and would require Monterey County to administer the county road zone. The bill would also extend for an additional 4 years the designation of the segment of State Highway Route 101 in Arcata as a Safety Enhancement-Double Fine Zone. The bill would extend indefinitely the duties and responsibilities of the department and local jurisdictions with respect to those zones. The bill would also prescribe the fines and penalties to be imposed for traffic violations committed within those zones. *The bill would also establish standards for a designation of a highway or road segment as a Safety Enhancement-Double Fine Zone, including a 4-year duration limit.*

Because the bill would impose a new duty on local agencies, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 97 is added to the Streets and Highways
2 Code, to read:
3 97. (a) In order to be designated by statute as a Safety
4 Enhancement-Double Fine Zone, a highway or road segment
5 shall have experienced a significant number of traffic accidents,
6 injuries, and fatalities within the prior three-year period, and
7 other traffic safety measures that have been undertaken shall
8 have not appreciably reduced the level of those incidents.
9 (b) The concurrence in the designation of the Department of
10 the California Highway Patrol or local agency having traffic
11 enforcement jurisdiction, as the case may be, shall be required
12 prior to designation of the zone pursuant to statute, along with a
13 resolution supporting the designation from the city, or county
14 with respect to an unincorporated area, in which the segment is
15 located.

1 (c) Each local governing body where a double fine zone is
2 designated by statute in its jurisdiction pursuant shall, prior to
3 the establishment of a double fine zone, do the following:

4 (1) Undertake a public awareness campaign to inform the
5 public of the double fine zone designation, where it is located, its
6 purpose, and its consequences.

7 (2) Where appropriate, increased traffic safety enhancements,
8 enforcement, and other roadway safety measures shall be
9 implemented in coordination with the establishment of the double
10 fine zone.

11 (d) A Safety Enhancement-Double Fine Zone is subject to the
12 rules and regulations adopted by the department prescribing
13 uniform standards for warning signs to notify motorists that,
14 pursuant to Section 42010 of the Vehicle Code, increased
15 penalties apply for traffic violations that are committed within a
16 Safety Enhancement-Double Fine Zone.

17 (e) The department or the local authority having jurisdiction
18 over these highway and road segments shall place and maintain
19 the warning signs identifying these segments by stating that a
20 “Special Safety Zone Region Begins Here” and a “Special Safety
21 Zone Ends Here.” The department shall adopt rules and
22 regulations for the administration of a Safety
23 Enhancement-Double Fine Zone under this section.

24 (f) Safety Enhancement-Double Fine Zones do not increase the
25 civil liability of the state or local authority having jurisdiction
26 over the highway segment under Division 3.6 (commencing with
27 Section 810) of Title 1 of the Government Code or any other
28 provision of law relating to civil liability.

29 (1) Only the base fine shall be enhanced pursuant to this
30 section.

31 (2) Notwithstanding any other provision of law, any additional
32 penalty, forfeiture, or assessment imposed by any other statute
33 shall be based on the amount of the base fine before
34 enhancement or doubling and shall not be based on the amount
35 of the enhanced fine imposed pursuant to this section.

36 (g) The projects specified as a Safety Enhancement-Double
37 Fine Zone shall not be elevated in priority for state funding
38 purposes.

39 (h) The term for a Safety Enhancement-Double Fine Zone
40 shall be limited to four years.

(i) One year prior to the termination of each double fine zone, the Department of Transportation shall conduct an evaluation of the effectiveness of each double fine zone and submit its findings in a report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing that shall include a recommendation on whether the zone should be reauthorized by the Legislature.

SECTION 1. ~~Section 97 is added to the Streets and Highways Code, to read:~~

~~97. A Safety Enhancement-Double Fine Zone is subject to the rules and regulations adopted by the department prescribing uniform standards for warning signs to notify motorists that, pursuant to Section 42010 of the Vehicle Code, increased penalties apply for traffic violations that are committed within a Safety Enhancement-Double Fine Zone.~~

~~(a) The department or the local authority having jurisdiction over these highway and road segments shall place and maintain the warning signs identifying these segments by stating that a "Special Safety Zone Region Begins Here" and a "Special Safety Zone Ends Here." The department shall adopt rules and regulations for the administration of a Safety Enhancement-Double Fine Zone under this section.~~

~~(b) Safety Enhancement-Double Fine Zones do not increase the civil liability of the state or local authority having jurisdiction over the highway segment under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.~~

~~(1) Only the base fine shall be enhanced pursuant to this section.~~

~~(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.~~

~~(c) The projects specified as a Safety Enhancement-Double Fine Zone shall not be elevated in priority for state funding purposes.~~

SEC. 2. Section 97.1 of the Streets and Highways Code is amended to read:

1 97.1. (a) The following segments are Safety
2 Enhancement-Double Fine Zones:

3 (1) Until January 1, 2010, the five-mile segment of State
4 Highway Route 101, between the Eureka Slough Bridge No. 4-22
5 and the Gannon Slough Bridge No. 4-24 in Arcata.

6 (2) Until January 1, 2010, the segment of State Highway
7 Route 1 between Chestnut Street and Shaffer Road in Santa Cruz.

8 (3) Until January 1, 2010, County Road 16, which is also
9 known as Carmel Valley Road, between the junction with State
10 Highway Route 1 and the junction with Camp Stefani Road. The
11 County of Monterey, in consultation with the Department of the
12 California Highway Patrol, shall administer this zone and shall
13 assume all responsibilities that would otherwise accrue to the
14 department for the administration of the zone.

15 (4) Until January 1, 2010, State Highway Route 101, between
16 the junction with Boronda Road and the San Benito-Monterey
17 County line.

18 ~~(b) Each local governing body where a double-fine zone is~~
19 ~~designated in their jurisdiction pursuant to subdivision (a) shall,~~
20 ~~prior to the establishment of each double-fine zone, do the~~
21 ~~following:~~

22 ~~(1) Undertake a public awareness campaign to inform the~~
23 ~~public of the double-fine zone designation, where it is located, its~~
24 ~~purpose, and its consequences.~~

25 ~~(2) Where appropriate, increased traffic safety enhancements,~~
26 ~~enforcement, and other roadway safety measures shall be~~
27 ~~implemented in coordination with the double-fine zone~~
28 ~~designation.~~

29 ~~(c) One year prior to the termination of each double-fine zone~~
30 ~~designated pursuant to subdivision (a), the Department of~~
31 ~~Transportation shall conduct an evaluation of the effectiveness of~~
32 ~~each double-fine zone and submit its findings in a report to the~~
33 ~~Assembly Committee on Transportation and the Senate~~
34 ~~Committee on Transportation and Housing that shall include a~~
35 ~~recommendation on whether the zone should be reauthorized by~~
36 ~~the Legislature.~~

37 ~~(b) This section shall remain in effect only until January 1,~~
38 ~~2010, and as of that date is repealed, unless a later enacted~~
39 ~~statute, that is enacted before January 1, 2010, deletes or extends~~
40 ~~that date.~~

SEC. 3. Section 42010 is added to the Vehicle Code, to read:
42010. (a) For any offense specified in subdivision (b) that is committed by the driver of a vehicle within an area that has been designated as a Safety Enhancement-Double Fine Zone pursuant to Section 97 *and following* of the Streets and Highways Code, the fine, in a misdemeanor case, shall be double the amount otherwise prescribed, and, in an infraction case, the fine shall be one category higher than the penalty otherwise prescribed by the uniform traffic penalty schedule established pursuant to Section 40310.

(b) A violation of any of the following provisions is an offense that is subject to subdivision (a):

(1) Chapter 3 (commencing with Section 21650) of Division 11, relating to driving, overtaking, and passing.

(2) Chapter 7 (commencing with Section 22348) of Division 11, relating to speed limits.

(3) Section 23103, relating to reckless driving.

(4) Section 23104, relating to reckless driving that results in bodily injury to another.

(5) Section 23109, relating to speed contests.

(6) Section 23152, relating to driving-under-the-influence of alcohol or a controlled substance, or Section 23103, as specified in Section 23103.5, relating to alcohol-related reckless driving.

(7) Section 23153, relating to driving-under-the-influence of alcohol or a controlled substance, which results in bodily injury to another.

(8) Section 23220, relating to drinking while driving.

(9) Section 23221, relating to drinking in a motor vehicle while on the highway.

(10) Section 23222, relating to driving while possessing an open alcoholic beverage container.

(11) Section 23223, relating to being in a vehicle on the highway while possessing an open alcoholic beverage container.

(12) Section 23224, relating to being a driver or passenger under 21 years of age possessing an open alcoholic beverage container.

(13) Section 23225, relating to being the owner or driver of a vehicle in which there is an open alcoholic beverage container.

(14) Section 23226, relating to being a passenger in a vehicle in which there is an open alcoholic beverage container.

1 (c) This section applies only when traffic controls or warning
2 signs have been placed pursuant to Section 97 of the Streets and
3 Highways Code.

4 (d) (1) Notwithstanding any other provision of law, the
5 enhanced fine imposed pursuant to this section shall be based
6 only on the base fine imposed for the underlying offense and
7 shall not include any other enhancements imposed pursuant to
8 law.

9 (2) Notwithstanding any other provision of law, any additional
10 penalty, forfeiture, or assessment imposed by any other statute
11 shall be based on the amount of the base fine before enhancement
12 or doubling and shall not be based on the amount of the enhanced
13 fine imposed pursuant to this section.

14 SEC. 4. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.